

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CIVIL MINUTES – GENERAL

Case No.	CV 17-04006 BRO (AFMx)	Date	June 7, 2017
Title	MICHAEL SPIELMAN V. PAUL H. GEESWEIN CO., INC.		

Present: The Honorable **BEVERLY REID O'CONNELL, United States District Judge**

Renee A. Fisher	Not Present	N/A
Deputy Clerk	Court Reporter	Tape No.
Attorneys Present for Plaintiffs:		Attorneys Present for Defendants:
Not Present		Not Present

Proceedings: (IN CHAMBERS)

ORDER TO SHOW CAUSE RE SUBJECT MATTER JURISDICTION

Plaintiffs Michael and Loretta Spielman (“Plaintiffs”) filed a Complaint in this Court on May 30, 2017, against Defendant Paul H. Gesswein Co. (“Defendant”). (See Dkt. No. 1 (hereinafter, “Compl.”).) Plaintiffs bring one state-law cause of action for breach of contract. (See *id.*) According to Plaintiffs, this Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332, because the parties are diverse and the amount in controversy exceeds \$75,000. (See Compl. ¶ 3.) However, Plaintiffs fail to support their damages allegations.

A federal court must determine its own jurisdiction, even where there is no objection to it. *Rains v. Criterion Sys., Inc.*, 80 F.3d 339, 342 (9th Cir. 1996). Because federal courts are of limited jurisdiction, they possess original jurisdiction only as authorized by the Constitution and federal statute. *See Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994). Under § 1332, the Court has federal subject matter jurisdiction so long as all plaintiffs are diverse from all defendants and the amount in controversy is, at minimum, \$75,000. *See* 28 U.S.C. § 1332(a). Plaintiffs’ Complaint does not adequately establish the amount in controversy requirement here.

Though Plaintiffs allege in a conclusory manner that the amount in controversy exceeds \$75,000, (*see* Compl. ¶ 3), Plaintiffs provide no support for this assertion. The purpose of Plaintiffs’ Complaint is to enforce a settlement agreement reached between the parties in related litigation proceeding in the Superior Court of California, County of Los Angeles. (*See* Compl. ¶¶ 11–20.) Thus, it appears that Plaintiffs contend that the

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amount of the settlement agreement—the amount in controversy here—exceeds \$75,000. But Plaintiffs never indicate the amount of the settlement agreement and though they attach a copy of the settlement agreement to their Complaint, they redact the amount of settlement and have not provided the Court with an unredacted version. (See Compl., Ex. A.) Therefore, the Court is unable to verify that the amount in controversy here exceeds \$75,000.

Accordingly, Plaintiff is **ORDERED TO SHOW CAUSE** as to why this case should not be dismissed for lack of subject matter jurisdiction. Plaintiff shall file its response to this Order **no later than Wednesday, June 14, 2017, at 4:00 p.m.** Plaintiffs may file their response to this Order under seal so that they may inform the Court of the settlement amount in the underlying litigation.

IT IS SO ORDERED.

Initials of Preparer _____ : _____ rf _____